



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from November 8, 2007

Members Present: Robb Kydd, Chris Mechalides, Eileen Farrell, and Claire Cloutier.

Members Absent: Gary Ralls, and Cheryl Bradley.

Lawrence & Elaine Martone, Lot 114 and 115 Parham Rd. & Woodlawn St.,
Assessors Map 31A, parcel 114,115. Requesting to renew previously granted
variance from May 2202 for a buildable lot. R Zone, sections 2.12.50.

Legal notice read. Advertised in the Lowell Sun on Oct. 25 & Nov. 1, 2007.
Abutters notified. No challenges to the legal notice or abutter notification. Town
Boards notified.

Received call from Atty. Pete Nicosia on November 8, 2007 requesting this
hearing to be continued to December 13, 2007.
He signed an extension of time and faxed back to the board on November 8,
2007.

Motion by Eileen Farrell to continue hearing to December 13, 2007 at 6:30PM,
seconded by Claire Cloutier. Vote 4-0.

Danny & Katherine Ayers, 47 Willowdale Ave., Assessors Map 32A, parcel
98. Requesting variance and special permit to rebuild pre-existing non-
conforming dwelling destroyed by fire. R Zone, sections 2.12.50, 2.15.22 and
2.15.23.

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Jon D. Michaelek, Esq.-Pool permit – 37 Shakespear St.

Presentation by Jon Michaelek on his request for an in-ground pool in the Chapter 40B project-Maple Ridge he submitted a copy of title 760 regulations.

Claire Cloutier disclosure she lives in a section of Maple Ridge and does not have a conflict.

Motion by Claire Cloutier that this determination of the board was that this request is insubstantial under 760 CMR and the request for a building permit to install an in-ground pool meeting the side yard setback should be granted pending review on the finding by Atty. Lisa Mead within 5 business days. Second by Eileen Farrell. Vote 4-0

Lisa Mead opinion received via email on November 14, 2007 and is attached states that I received and reviewed the letter from Jon D. Michael and agree that the requested change is insubstantial under 760 CMR 31.03. However, I do not agree with his analysis that the "Setbacks" were waived for anything that happens in the development. To the contrary, the setbacks were waived for the proposal presented and approved. Nonetheless, this matter would still be considered insubstantial, as it does not fall within the ambit of the substantial changes in the regulations.

Other Business-

Motion to approve minute's form Oct. 11, 2007 by Eileen Farrell, seconded by Claire Cloutier. Vote 4-0.

Motion to adjourn by Farrell, seconded by Cloutier 7: 40 PM